

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)

v.)

Robby Truman Sherrill)

Date of Previous Judgment: 4/17/02)

(Use Date of Last Amended Judgment if Applicable))

Case No: 5:01CR4-1

USM No: 16577-058

Randolph Marshall Lee

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29

Amended Offense Level: 27

Criminal History Category: II

Criminal History Category: II

Previous Guideline Range: 120 to 121 months

Amended Guideline Range: 120 to 120 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain): The defendant is eligible for a two-level reduction in offense level pursuant to Amendment 706 (Retroactive Crack Cocaine Reduction). However, this has no effect on the sentencing guidelines as the defendant is subject to the 120-month statutory mandatory minimum sentence.

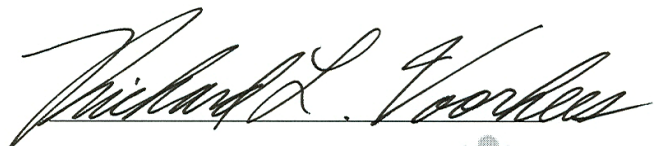
III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 4/17/02 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 3, 2009

Effective Date: _____
(if different from order date)



Richard L. Voorhees
United States District Judge

